

***United States Court of Appeals
for the Second Circuit***



**BRIEF FOR
APPELLEE**

Original
Affidavit
of Mailing

11
74-8027

To be argued by
DAVID A. DEPETRIS

United States Court of Appeals
FOR THE SECOND CIRCUIT

¹¹
Docket No. 74-8027

UNITED STATES OF AMERICA,

Appellee,

—against—

ROBERT MATHERSON and CAROLYN MATHERSON,
Appellants.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

BRIEF AND APPENDIX FOR THE APPELLEE

EDWARD JOHN BOYD V,
United States Attorney,
Eastern District of New York.

RAYMOND J. DEARIE,
DAVID A. DEPETRIS,
Assistant United States Attorneys,
Of Counsel.



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**United States Court of Appeals
FOR THE SECOND CIRCUIT**

Docket No. 74-¹¹8927

UNITED STATES OF AMERICA,

Appellee,

—against—

ROBERT MATHERSON and CAROLYN MATHERSON,

Appellants.

BRIEF FOR THE APPELLEE

Preliminary Statement

Robert Matherson and Carolyn Matherson appeal from judgments of the United States District Court for the Eastern District of New York (Travia, J.), entered January 4, 1974, convicting them, following a non-jury trial based solely upon stipulated facts, of violating Title 36, C.F.R., Section 7.20(2) and 7.20(3) (Title 16, United States Code, Section 3). Appellants were charged in a series of vehicular citations during the summer months of 1972 and 1973 with driving on the Fire Island National Seashore without a permit and during restricted hours. In answer to these charges, appellants appeared before a United States Magistrate in Patchogue, New York, and demanded a District Court trial pursuant to Title 18, United States Code, Section 3401(b). Stipulations of fact were submitted to the District Court on September 18, 1973 and appellants were found guilty as charged by opinion dated December 10, 1973. Appellant Robert Matherson was sentenced to probation for one year, plus a total fine of \$1,000.00 and appellant

Carolyn Matherson was sentenced to probation for one year, plus a total fine of \$300.00.*

* There were eight informations filed charging appellant Robert Matherson and appellant Carolyn Matherson with vehicular violations on the Fire Island National Seashore in 1972 and 1973. The following is a listing of said charges:

(1) Robert Matherson—On August 18, 1972, appellant operated a motor vehicle during hours not authorized for such travel on the Fire Island National Seashore (36 C.F.R. § 7.20(3)). Appellant was sentenced to probation for one year, plus a \$250.00 fine.

(2) Robert Matherson—On August 18, 1972, appellant operated a motor vehicle without a permit on the Fire Island National Seashore (36 C.F.R. § 7.20(2)). Appellant was sentenced to probation for one year, to run concurrently, plus a consecutive fine of \$250.00.

(3) Robert Matherson—On June 8, 1973, appellant operated a motor vehicle without a permit on the Fire Island National Seashore (36 C.F.R. § 7.20(2)). Appellant was sentenced to probation for one year, to run concurrently.

(4) Robert Matherson—On July 10, 1973, appellant operated a motor vehicle during hours not authorized for such travel on the Fire Island National Seashore (36 C.F.R. § 7.20(3)). Appellant was sentenced to probation for one year, to run concurrently, plus a consecutive fine of \$250.00.

(5) Robert Matherson—On July 10, 1973, appellant operated a motor vehicle without a permit on the Fire Island National Seashore (36 C.F.R. § 7.20(2)). Appellant was sentenced to probation for one year, to run concurrently, plus a consecutive fine of \$250.00.

(6) Carolyn Matherson—On July 8, 1973, appellant operated a motor vehicle without a permit on the Fire Island National Seashore (36 C.F.R. § 7.20(2)). Appellant was sentenced to probation for one year, plus a fine of \$100.00.

(7) Carolyn Matherson—On July 18, 1973, appellant operated a motor vehicle without a permit on the Fire Island National Seashore (36 C.F.R. § 7.20(2)). Appellant was sentenced to probation for one year, to run concurrently, plus a consecutive fine of \$100.00.

(8) Carolyn Matherson—On July 22, 1973, appellant operated a motor vehicle without a permit on the Fire Island National Seashore (36 C.F.R. § 7.20(2)). Appellant was sentenced to probation for one year, to run concurrently, plus a consecutive fine of \$100.00.

On this appeal, appellant contends that (1) 36 C.F.R. § 7.20 is unconstitutional on the ground that the regulation improperly delegates authority to a locality and (2) that the Town of Islip ordinance which regulates vehicular traffic on that portion of Fire Island owned by the town is unconstitutional.

Statement of Facts

The evidence received at the trial before Judge Travia was contained in a series of eight stipulations. The facts contained therein may be summarized as follows:*

Appellants Robert and Carolyn Matherson own a house at Kismet, Fire Island within the Town of Islip. They are not year-round residents of Fire Island (A. 28).** There are basically two means of access to Kismet, Fire Island, from mainland Long Island. The first is by ferry (except during the winter months) from Long Island directly to Kismet. The second approach is by way of the Robert Moses causeway and bridge to the western portion of Fire Island. From that point one would drive east across the Fire Island National Seashore land and into the Town of Islip to Kismet. Appellants chose to travel this latter route despite the fact that their summer house is located only about two city blocks from the ferry dock at Kismet (A. 7-8, 10-11).

* Appellants have included in the Appendix only six of the eight stipulations. The remaining two stipulations are filed herewith as an appellee's appendix. The Government would note that in appellant's brief and appendix there are several alleged facts stated which were not part of the record at the trial level. For example, the reference in appellants' brief at pages 3 and 4 that appellant Robert Matherson applied for a Town of Islip special permit and eventually received a regular permit was not part of the record in the District Court. Similarly, a reference in appellants' brief at page 12 and a document in appellants' appendix at page 50 concerning the Town Islip Beach Buggy Commission's actions were not part of the record at the trial level.

** References to "A" are to the pages of Appellants' Appendix.

Both appellant Robert Matherson and appellant Carolyn Matherson were warned on several occasions that a Seashore permit was necessary in order for them to drive on the Fire Island National Seashore. Subsequent to these warnings, both received citations prior and subsequent to the citations for which they were tried by the District Court (A. 7, 10, 13).

On August 18, 1972, at about 12:00 noon, Martin Ott, a Park Ranger for the United States Park Service assigned to the Fire Island National Seashore, stopped a jeep being driven by appellant Robert Matherson on the Fire Island National Seashore and asked him for his Seashore permit. Appellant told him that he did not have such a permit (A. 6-7, 9-10). At this point, Ranger Ott advised appellant that he was driving during restricted hours and asked to see appellant's driver's license and vehicle registration. Appellant told Ott that he knew he was in violation and to go ahead and write out the tickets so that he could leave. Ranger Ott then issued appellant Robert Matherson citations for driving without a permit and driving during restricted hours.

On June 8, 1973, Park Ranger Warren Beitel observed appellant Robert Matherson driving a jeep on the Fire Island National Seashore and, upon stopping him and asking to see his permit, appellant told Beitel that he did not have a Seashore permit and further that he had not applied for either a Seashore permit or a Town of Islip permit. At this point, Ranger Beitel issued appellant a citation for driving without a Seashore permit (A. 20-21).

On July 8, 1973, Bruce Betcher, a Seasonal Park Technician assigned to the Fire Island Seashore, observed appellant Carolyn Matherson driving a jeep on the Fire Island National Seashore. When Betcher stopped the jeep and asked Mrs. Matherson for her Seashore permit, appellant told Betcher that she did not have one. At this point,

Betcher told her that if she took the ferry to her house in Kismet or if she parked her car in a parking lot in the Robert Moses State Park, she would not receive a citation. Appellant told Betcher to give her the citation so she could proceed as she did not want to take the ferry or park in the Robert Moses State Park. Betcher issued her a citation for driving without a Seashore permit (A. 12-13).

On July 9, 1973, at 11:30 A.M., appellant Robert Matherson was observed driving a jeep at a high rate of speed on the Fire Island National Seashore and did not stop when signalled to do so. The following day, at approximately 12:41 P.M., appellant Robert Matherson was stopped by Bruce Betcher on the Fire Island National Seashore as he was driving from Kismet. After appellant advised that he did not have a Seashore permit, Betcher issued citations for driving without a Seashore permit and driving during restricted hours. However, appellant sped off before Betcher could give him the citations. Shortly thereafter appellant was stopped by the State Parkway Police near parking lot 5 of the Robert Moses State Park at Betcher's request. When appellant said he did not have his license with him, Betcher proceeded to cite him for not having a valid driver's license, but before Betcher could complete this citation, appellant drove off again. Appellant was subsequently stopped and given the citations (G. 1a-2a).*

On July 18, 1973, at 11:05 P.M., Carl Douhan, a Supervisory Park Ranger, stopped appellant Carolyn Matherson after observing her driving a jeep onto the Fire Island National Seashore from the direction of the Robert Moses State Park. When she said she did not have a Seashore permit, Douhan told her that she would have to turn around. Appellant Carolyn Matherson said that she just wanted to proceed to her house in Kismet and to give her the citation because she and her husband, appellant Robert Matherson,

* References to "G" are to pages of Appellee's Appendix.

had a thick file and were building a case. Douhan, because of the late hour, offered to give appellant and her two children a ride to her house if she would leave her vehicle at parking field 5 of the Robert Moses State Park. After further conversation, Douhan again offered her a ride to her house, but she again declined. During the course of this conversation, Carolyn Matherson said that she and her husband were living in the Hamptons and that she only came to Fire Island about once a week to water her plants. Douhan then issued her a citation for driving without a Seashore permit and appellant proceeded toward her house in Kismet (A. 15-17).

On July 22, 1973, Supervisory Park Ranger Carl Douhan again stopped Carolyn Matherson after observing her driving her jeep on the Fire Island National Seashore. When asked for her driver's license, vehicle registration and Seashore permit, appellant refused to give Douhan her license and registration and said that she was going to her house in Kismet and wanted a citation. Douhan advised Mrs. Matherson of the consequences of driving on the Fire Island National Seashore and appellant said she understood, at which time Douhan cited her for driving without a Seashore permit (A. 18-19).

ARGUMENT

POINT I

The District Court properly held that Title 36, Section 7.20 of the Code of Federal Regulations was not an improper delegation of authority to a locality.

Title 36, C.F.R., Section 7.20(2)(vii) provides: "No permit will be issued by the Superintendent for any motor vehicle until the applicant has first secured from the towns of Brookhaven and/or Islip . . . an appropriate permit covering the same activity, use and area of use for which a sea-shore permit is requested."

Appellants now argue that 36 C.F.R. § 7.20(2)(vii) amounts to an unconstitutional delegation of authority by the federal government to a local municipality.*

In authorizing the Secretary of the Interior to establish the Fire Island National Seashore, Congress stated its goal and purpose was to preserve and protect certain undeveloped areas on Fire Island (Title 16, United States Code, Section 459e(a) and Section 459e-6(a)). *See generally Long Island Beach Buggy Association, Inc. v. Town of Islip*, 58 Misc. 2d 295 (Sup. Ct., Suffolk Co. 1968), *aff'd*, 35 App. Div. 2d 739. In order to carry out the purpose intended, the Secretary of the Interior appointed a Superintendent of the Fire Island National Seashore who, as an agent of the Secretary, promulgated rules and regulations governing the use of motor vehicles on Seashore land (*United States v. Bareno*, 50 F.

* It is clear that Congress has plenary power to promulgate regulations concerning the use of all federal land and further that this power is without limitation. United States Const., Art. 4, Section III, Clause 2; *Van Brocklin v. Tennessee*, 117 U.S. 167, 168 (1886) (A. 25).

Supp. 520, 528 [D. Md. 1943]; Title 36, C.F.R., Section 7.20).

The Government submits that this regulation which merely sets forth a condition precedent to securing a Seashore permit is not an invalid delegation of administrative authority to a local municipality. The purpose of both the Town of Islip Beach Buggy Ordinance and the Seashore regulation is to protect certain land on Fire Island. The local municipalities and the Seashore have acted in a cooperative manner in order to assure that the purpose and goal set forth by Congress and the local authorities are attained and maintained. The result of this cooperative effort was the promulgation by the Seashore Superintendent of the very regulation which is now under attack. This regulation in no way delegates the Superintendent's power to administer vehicular traffic on the Seashore, but rather it is a logical and proper means to effectuate the Congressional goals sought in the establishment of the Seashore.

It is clear that the Town of Islip Beach Buggy Commission has the power to make and does make the final decision with respect to the granting or denial of a vehicular permit to travel on land within the Town of Islip on Fire Island. It is likewise clear that the Superintendent of the Fire Island National Seashore has the exclusive authority to issue vehicular permits for driving on Seashore land. It is consistent with the common interests of the Seashore and the local municipalities that applicants for a Seashore permit first satisfy local requirements and secure the appropriate local permit. Furthermore, this condition is logically sound because of the peculiar geographical conditions existing on Fire Island. The Fire Island National Seashore land and the land governed by local municipalities are contiguous. In order for appellants to reach their house in Kismet, Fire Island, within the Town of Islip, they must either take a ferry from Long Island to Kismet (an alternative they chose not to use) or by automobile across Seashore land and into

the Town of Islip to Kismet.* It is quite obvious that a vehicular permit would be of no value to appellants unless they also obtained a vehicular permit from the Town of Islip. "There is no reason in constitutional law or in common sense, why such cooperative approach to the problem of regulation by the state and federal governments should be held invalid. . . ." *Gauley Mountains Coal Co. v. Director of United States Bureau of Mines*, 224 F.2d 887, 892 (4th Cir. 1955).

Finally, it must be emphasized that 36 C.F.R. § 7.20(2) (vii) neither explicitly nor implicitly guarantees that a Seashore permit will be issued to those applicants who obtain a vehicular permit from the local municipality. The ultimate decision to grant or deny a permit to operate a motor vehicle on Seashore land rests exclusively with the Superintendent. His decision is made after full consideration of the purposes and objectives established by Congress in creating the Fire Island National Seashore. See *Clark Distilling Co. v. Western Maryland R. Co.*, 242 U.S. 311 (1917); *Gauley Mountain Coal Co.*, *supra*; *Nilva v. United States*, 212 F.2d 115 (8th Cir.), *cert. denied*, 348 U.S. 825 (1954).

POINT II

The Town of Islip Beach Buggy Ordinance governing the issuance of vehicular permits is not vague.

Appellants argue that the absence of specific standards governing the issuance of special permits in the Town of Islip Beach Buggy Ordinance renders that ordinance unconstitutional².** The District Court held that the

* The Government would note in passing that appellants are not year-round residents of Fire Island and that this is one factor considered by both the Beach Buggy Commission and the Seashore in its determination to grant or deny a vehicular permit.

** The ordinance is contained in Chapter 61 of the Islip Town Code, Section 61-2. It provides in pertinent part as follows:

[Footnote continued on following page]

ordinance was not ripe for review as appellants were charged with vehicular violations on Seashore land, not on land within the Town of Islip. The District Court stated: "The mere fact that the Superintendent [of the Fire Island National Seashore] has promulgated a rule and regulation which requires an individual to first secure a permit from the Town of Islip Beach Buggy Commission as *one* of pre-requisites to the issuance of a National Seashore permit does not warrant a full consideration of the constitutionality of the Town of Islip Beach Buggy Ordinance" (A. 32).

It must be re-emphasized that in pursuing their challenge of the Commission ordinance, appellants rely on facts not received in evidence. For example, the stipulations contained no evidence that "the Beach Buggy Commission granted

A. No motor vehicle shall be operated on or across Fire Island except on the permission issued by the Board of Commission and except for the following vehicles:

(1) Official vehicles.

(2) School buses operated during the school calendar year on school buses only or when such vehicles are in need of emergency repair during such time.

B. The Board of Commission is authorized to establish a system of permits consistent with the requirements of these regulations. Any person, firm, corporation or partnership may apply to the Board for a permit using a form to be provided for that purpose. Before granting the permit, the Board should consider whether or not the nature and extent of the intended use is consistent with the purposes of the regulations in this part which are to protect Fire Island and interest therein, to protect the health, welfare, safety and convenience of members of the public using Fire Island. On this basis, the Board may approve the application, deny the application or grant the application with particular limitations and restrictions.

C. Permits may be issued for periods of one day to one year depending on the reasonable requirements of the applicant.

* * * * *

Walter Neilson permission to travel on the beach on working days" (Appellants' Brief, page 12) (A. 50). Similarly, there was no evidence before the District Court that appellant Robert Matherson applied for and was denied a special permit (Appellants' Brief, page 12).

Relying on these facts not in evidence, appellants challenge the Beach Buggy Ordinance as unconstitutionally vague. However, in pursuing their argument they abandon the charge of vagueness and instead seem to challenge the "indiscriminate and arbitrary manner" in which the Commission allegedly operates in reviewing permit applications. Appellants isolate the subsection of the ordinance authorizing the issuance of special permits for the aged or infirm.* Obviously, this provision has no applicability in the case before this Court.

Even assuming *arguendo* that the facts relied on by appellants had been received in evidence and assuming further that Judge Travia credited that evidence, appellants vagueness argument is wholly without merit. The Beach Buggy Ordinance is clear on its face. Any complaint that the Commission arbitrarily denied appellants a permit while at the same time granted Walter Neilson a permit does not make this clear ordinance vulnerable to constitutional attack.**

* Section 61-2 (F) provides in part as follows:

Special permits may be issued to those persons who have satisfied the Board that by reason of their advanced age or infirmity, they require the use of a motor vehicle.

** While admittedly not in evidence before the District Court, Walter Neilson is a year-round resident of Fire Island and would, therefore, be entitled to a local permit. As was noted above, Mr. and Mrs. Matherson were not year-round residents of Kismet, Fire Island and would not therefore be entitled to a local permit.

CONCLUSION

The judgments of conviction should be affirmed.

Respectfully submitted,

April 3, 1974

EDWARD JOHN BOYD V,
United States Attorney,
Eastern District of New York.

RAYMOND J. DEARIE,
DAVID A. DEPETRIS,
Assistant United States Attorneys,
Of Counsel.

APPELLEE'S APPENDIX



Stipulation (73 Cr. 692)

United States District Court

EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

—against—

ROBERT MATHERSON,

Defendant.

IT IS HEREBY STIPULATED, CONSENTED TO AND AGREED by and between Robert A. Morse, United States Attorney for the Eastern District of New York, by David A. DePetrìs, Assistant United States Attorney, Of Counsel, and James M. LaRossa, Esq., attorney for the defendant herein, that Bruce T. Betcher, if called, would testify to the following facts: He has been employed as a Seasonal Park Technician for the United States Park Service for two months and one week. On Monday, July 9, 1973 at 11:30 A.M., Robert Matherson was observed driving a blue jeep with New York license number 423SHU at a high rate of speed as he passed the Coast Guard Annex to the Fire Island National Seashore. Matherson would not stop when signalled in order for his vehicle to be checked for a Fire Island National Seashore permit. On Tuesday, July 10, 1973 at approximately 12:41 P.M., Robert Matherson was stopped at the Coast Guard Annex to the Fire Island National Seashore as he was driving from Kismet, Fire Island in a blue jeep with New York license number 423SHU. At this time, Betcher advised Matherson that he was driving without a permit and during restricted hours on the Fire Island National Seashore. After Robert Matherson stated that he

Stipulation (73 Cr. 692)

did not have a Fire Island National Seashore permit, Betcher proceeded to write out the citations. As he was about to give Matherson the citations, Matherson drove off. Matherson was subsequently stopped by the State Parkway Police near parking field 5 of the Robert Moses State Park. At this time, Betcher asked Matherson for his driver's license. As Matherson did not have his license with him, Betcher proceeded to cite him for not having a valid driver's license. Before Betcher could present him with the citations, Matherson drove off again. Matherson was subsequently stopped and handed the citations. Betcher would further testify that Robert Matherson had received prior warnings and in addition, both Robert and Carolyn Matherson had received several prior and subsequent citations for driving without a permit and driving during restricted hours on the Fire Island National Seashore. A search of the records at the Fire Island National Seashore revealed that Robert Matherson had not been issued a Fire Island National Seashore permit. Betcher would further testify that there was regular ferry service from Long Island to Kismet, Fire Island during this period of time and that it is approximately two city blocks from the ferry dock at Kismet, Fire Island to Robert Matherson's house on Fire Island.

Dated: Brooklyn, New York
September 18, 1973

ROBERT A. MORSE
United States Attorney
Eastern District of New York

By: /s/

David A. DePetrìs
Assistant U.S. Attorney

By: /s/

James M. LaRossa, Esq.
Attorney for Defendant.

Stipulation (73 Cr. 694)

United States District Court

EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

—against—

ROBERT MATHERSON,

Defendant.

IT IS HEREBY STIPULATED, CONSENTED TO AND AGREED by and between Robert A. Morse, United States Attorney for the Eastern District of New York, by David A. DePetrìs, Assistant United States Attorney, Of Counsel, and James M. LaRossa, Esq., attorney for the defendant herein, that Bruce T. Betcher, if called, would testify to the following facts: He has been employed as a Seasonal Park Technician for the United States National Park Service for two months and one week. On Monday, July 9, 1973 at 11:30 A.M., Robert Matherson was observed driving a blue jeep with New York license number 423SHU at a high rate of speed as he passed the Coast Guard Annex to the Fire Island National Seashore. Matherson would not stop when signalled in order for his vehicle to be checked for a Fire Island National Seashore permit. On Tuesday, July 10, 1973 at approximately 12:41 P.M., Robert Matherson was stopped at the Coast Guard Annex to the Fire Island National Seashore as he was driving from Kismet, Fire Island in a blue jeep with New York license number 423SHU. At this time, Betcher advised Matherson that he was driving without a permit and during restricted hours on the Fire Island National Seashore. After Robert Matherson stated that he did

Stipulation (73 Cr. 694)

not have a Fire Island National Seashore permit, Betcher proceeded to write out the citations. As he was about to give Matherson the citations, Matherson drove off. Matherson was subsequently stopped by the State Parkway Police near parking field number 5 of the Robert Moses State Park. At this time, Betcher asked Matherson for his driver's license. As Matherson did not have his license with him, Betcher proceeded to cite him for not having a valid driver's license. Before Betcher could present him with the citations, Matherson drove off again. Matherson was subsequently stopped and handed the citations. Betcher would further testify that Robert Matherson had received prior warnings and in addition, both Robert and Carolyn Matherson had received several prior and subsequent citations for driving without a permit and driving during restricted hours on the Fire Island National Seashore. A search of the records at the Fire Island National Seashore revealed that Robert Matherson had not been issued a Fire Island National Seashore permit. Betcher would further testify that there was regular ferry service from Long Island to Kismet, Fire Island during this period of time and that it is approximately two city blocks from the ferry dock at Kismet, Fire Island to Robert Matherson's house on Fire Island.

Dated: Brooklyn, New York
September 18, 1973

ROBERT A. MORSE
United States Attorney
Eastern District of New York

By: /s/

David A. DePetris
Assistant U.S. Attorney

/s/

James M. LaRossa, Esq.
Attorney for Defendant.

AFFIDAVIT OF MAILING

STATE OF NEW YORK
COUNTY OF KINGS
EASTERN DISTRICT OF NEW YORK, ss:

-----DEBORAH J. AMUNDSEN-----, being duly sworn, says that on the 3rd
day of April 1974-----, I deposited in Mail Chute Drop for mailing in the
U.S. Courthouse, Cadman Plaza East, Borough of Brooklyn, County of Kings, City and
State of New York, ~~x~~ two copies of the Brief for the Appellee
of which the annexed is a true copy, contained in a securely enclosed postpaid wrapper
directed to the person hereinafter named, at the place and address stated below:

-----James M. LaRossa, Esq.-----
-----522 Fifth Avenue-----
-----New York, New York 10036-----

Sworn to before me this
3rd day of April 1974

Frances A. Grant
FRANCES A. GRANT
Notary Public, State of New York
No. 41-4503731
Qualified in Queens County
Commission Expires March 30, 1978

-----*Deborah J. Amundsen*-----
DEBORAH J. AMUNDSEN

KE NOTICE that the within
d for settlement and signa-
k of the United States Dis-
is office at the U. S. Court-
man Plaza East, Brooklyn,
e ____ day of _____,
o'clock in the forenoon.

, New York,

_____, 19____

States Attorney,
for _____

KE NOTICE that the within
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____ day of _____
in the office of the Clerk of
t Court for the Eastern Dis-
rk,
New York,

_____, 19____

States Attorney,
for _____

Action

No. _____

UNITED STATES DISTRICT COURT
Eastern District of New York

—Against—

United States Attorney,
Attorney for _____
Office and P. O. Address,
U. S. Courthouse
225 Cadman Plaza East
Brooklyn, New York 11201

Due service of a copy of the within _____
is hereby admitted.

Dated: _____, 19____

Attorney for _____

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